

Supreme Court, U.S.
FILED

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No. 08-

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In The
Supreme Court of the United States

James Widtfeldt et al,
Petitioner, Appellants

v.

Michael Johanns/Ed Schafer, in his capacity as
Secretary of the United States Department of
Agriculture, et al,
Defendants. Appellees

On Appeal From
The United States Court of Appeals
For the Eighth Circuit, 07-1284
US District Court-Nebraska 8:05 CV 49

PETITION FOR A WRIT OF CERTIORARI

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February 5, 2009

WIDTFELDT VS JOHANNS QUESTIONS

Question Presented and Rule 14 Reasons for Granting Writ of Certiorari

1. BUT FOR REGULATION IN 2000 THROUGH 2003, TOBACCO COULD HAVE PROBABLY BEEN RAISED FOR SIX TIMES MORE THAN CORN OR SOYBEANS RENT, APPELLANT WIDTFELDT IS ENTITLED TO JUDGMENT AGAINST DEFENDANTS ON QUANTUM MERUIT OF SIX TIMES THE RENT FOR CORN ON RESCISSION OF SUBSIDY BY USDA-FSA: The USDA-FSA rescinded eligibility of Widtfeldt as a producer after it was too late for others to qualify, and on arbitrary and capricious standards. However, the USDA-FSA did not complete the rescission, by also rescinding its regulations. A proper USDA-FSA rescission would have allowed Widtfeldt to grow tobacco in 2000 through 2003 at six times the rent from corn or

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soybeans. The USDA-FSA must pay Widtfeldt six times the rent of approximately \$15,000 per field per year, for a total of \$60,000, times the factor of six for profitability of tobacco over corn/soybeans, or \$360,000, to make Widtfeldt whole for lost use of the premises in growing tobacco.

This is an important federal question under Rule 10 of the US Supreme Court, as previously from about 1930 to about 2004, tobacco was a subsidized and highly regulated farm crop which had no acreage in Nebraska, and now that tobacco is deregulated and no longer subsidized by the USDA-FSA, tobacco is an important cash crop, producing about ten times more net than other prominent agricultural crops including corn and soybeans.

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**2. RENTERS BURIVAL HAVE FILED,
(BK 7-42271 AND BK 7-42273 IN US
BANKRUPTCY COURT- NEBRASKA)
AND OTHER RENTERS APPEAR LIKELY
TO FILE BANKRUPTCY DUE TO
HIGHER INPUT COSTS AND LOW
FARM PRICES DUE TO WALL STREET
FINANCIAL CRISIS IN 2008.**

Four Widtfeldt renters, some of whom were too late to register, determined by the USDA-FSA to be producers, Gary Burival, Joyce Burival, (BK 07-42271) Richard Burival, and Phillip Burival, (BK 07-42273) filed bankruptcy and could no longer operate Widtfeldt premises and pay rent, in 2007, proving Widtfeldt had risk of loss on crop all along. Burivals and other renters have always had precarious financing, from 2000 to the present, and Widtfeldt was the producer in 2000 through 2003 and thereafter. Widtfeldt had already reduced rent in return for

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being an operator. In 2008, corn prices (ethanol subsidy) seemed high for most of the summer, but most grain elevators would not allow forward contracting. In the fall of 2008, corn prices are low, and high inputs suggest that many more of Widtfeldt renters will file bankruptcy. It is unfair for the USDA -FSA to change its requirements after Widtfeldt relied on the farm program. The program should be retroactively changed to allow Widtfeldt to farm and be a producer in 2000 through 2004 and receive benefits. An offset against the USDA-FSA payments for loss of payments because of renter bankruptcies should be made.

This is an important federal question, as mass bankruptcies of renters have not previously occurred throwing loss of rent and risk of loss back on the landowner. See Rule 10, US Supreme Court.

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3. USDA OPERATED PLUM ISLAND GERM WARFARE AND THE RESULTING ILLNESS SHORTENS AND HARMS LIVES OF WIDTFELDT AND FAMILY MEMBERS, TRANSFERS RISK OF LOSS TO WIDTFELDT BY IMPOSING HEALTH CARE COSTS ON WIDTFELDT.

The USDA-FSA has long operated a germ warfare plant on Plum Island, New York, and virulent strains of Lyme Disease, West Nile Virus, and Dutch Duck Enteritis have started in the US, beginning in ever expanding circles spreading out from the Plum Island germ warfare plant. At least three of James Widtfeldt relatives appear to have become infected, and only by taking extensive courses of antibiotics, has James Widtfeldt been able to avoid the degree of illness and death shown by other relatives. It is time to cut through the government denials and hold the USDA-FSA accountable. The germ warfare illnesses

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have transferred the risk of loss to Widtfeldt, and have incapacitated Widtfeldt and relatives from operating farm machinery, either directly from illness, or indirectly by requiring high levels of medical care which prevent James Widtfeldt from spending as much time in the field as would be required to be operating machinery throughout the crop season. The risk of loss transferred to Widtfeldt, has been greatly increased by developments in 2008, over what was before the trial court to review.

Exacerbation of problems in 2008 justifies sending this matter back to the trial court with directions to find in favor of James Widtfeldt, in the amounts identified herein. The value of the loss is two wrongful deaths at age 89 and 90, and 20 years of disability beginning at age 44 for a college graduate.

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Until the Connecticut Attorney General brought litigation against the Infectious Disease Society of America in May, 2008 (see front page article, Public Health Alert, www.publichealthalert.org, in Volume 3, Issue 6, June 2008 issue, titled "Attorney General's Investigation Reveals Flawed Lyme Disease Guideline Process -- ISDA Agrees to Reassess Guidelines, Add Independent Arbiter") In other words, the Connecticut courts have decided that chronic Lyme disease, emanating from the germ warfare plant on Plum Island, is now causing illness.

This is an important federal question decided in a way that differs with all other state courts, because previously all medical doctors and state regulations of the medical field (governed by the Infectious Disease Society of America) prevented treatment of chronic lyme disease. See Rule 10, US Supreme Court.

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USDA OPERATED PLUM ISLAND
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- A1 8TH APPEALS EN BANC SAME AS A8 EXCEPT FORMAT
- A2 US COURT OF APPEALS 9/4/08 SAME AS A9 EXCEPT FORMAT
- A3 8:05 CV 049 DEC 11, 2006 JUDGMENT US DIST COURT NEBRASKA
- A4 TOBACCO (SELECTED PAR'S)

- A5 8:05 cv 049 DEC 11, 2006 MEMO
AND ORDER
- A6 8:05 CV 049 JAN 4, 2007 MEMO
AND ORDER
- A7 07-1284 8TH CIR CT APPEALS
MEMO ORDER OF SEP 4, 2008
- A8 07-1284 8TH CIR CT APPEALS
MEMO ORDER OCT 31, 2008
SEE REDO LETTER OF 12-08-08.
- A9 07-1284 8TH CIR CT APPEALS
JUDGMENT SEP 4, 2008, SEE
REDO LETTER OF 12-08-08
- A10 RELEVANT STATUTORY
PROVISIONS

TABLE OF AUTHORITIES

Appealed orders/judgments

8:05cv 049 US District Court of Nebraska

(Judgment, Memorandum Order,

Judgment and Order on Motion for

Rehearing) Pages – all

07-1284 in the 8th US Court of Appeals

(Judgment, Memorandum Order,

Judgment & Order En Banc) Pages -- all

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PETITION FOR WRIT OF CERTIORARI

Petitioner James Widtfeldt, for himself and James Widtfeldt Trust, now dissolved, hereby petitions for a writ of certiorari to review the September 4, 2008 memo/order and judgment of the US Court of Appeals for the 8th Circuit, with rehearing en banc/in panel October 31, 2008, in the appendix at A1, A7, A8, A9, also appealed. The Court of Appeals refused Widtfeldt's request.

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OPINIONS BELOW

The opinion of the US Court of Appeals, appendix at A2, refused Widtfeldt's request.

The decision of the United States District Court of Nebraska in 8:05 CV 00049-JFB is in appendix A3, and refused Widtfeldt's request.

JURISDICTION

The judgment and order/memo of the 8th Cir Court of Appeals were entered

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on September 4, 2008, see Appendix at

A2, A7, A9, rehearing 10-31-08 at A8.

The memo/order and judgment of

the US District Court-NE on December 11,

2006, appears at A3-A5, and rehearing at

A6 in the appendix, affirmed on re-

hearing. This court has jurisdiction

pursuant to 28 USC 1254(1).

RELEVANT STATUTORY PROVISIONS

Statutory provisions - Appendix A10.

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STATEMENT

This is a case under the Administrative Procedures Act (the “APA”) provisions of the United States Department of Agriculture, appearing at 5 USC §§ 706(A)(2), and under the definition of rescission (the “rescission” by the USDA was malicious, designed to harm Widtfeldt far beyond merely terminating eligibility).

REASONS FOR GRANTING WRIT:

**BUT FOR REGULATION IN 2000
THROUGH 2003, TOBACCO COULD
HAVE BEEN RAISED FOR SIX TIMES
MORE THAN CORN OR SOYBEANS
RENT, APPELLANT WIDTFELDT IS
ENTITLED TO JUDGMENT AGAINST
DEFENDANTS ON QUANTUM
MERUIT OF SIX TIMES THE RENT FOR
CORN ON RESCISSION OF SUBSIDY
BY USDA-FSA:**

The case Horn vs Veneman, 319 F.

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Supp. 2d 902 (Ind. 2004), hereinafter **Horn** was appealed to the United States Supreme Court and decided against Horn, under the theory that a subsidy by the government may be revoked at any time, as no consideration is given to make the contract binding. **Horn, supra** never argued and probably did not have or did not argue the additional factual basis in this case, that the subsidies precluded other crops, such as **tobacco** at higher rentals, as is being appealed herein. **Horn, supra** also did not

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have argument regarding germ warfare
sickness of the parties to be compensated.

The United States Supreme Court may
have been wrong in Horn vs Veneman,
supra, because the US government subsidy
and regulation by the USDA-FSA prevents
farming with more profitable crops, and
USDA-FSA obligation to honor its
subsidies or under rescission, to return
Widtfeldt to the position of no USDA-FSA
regulation or program, which would
require that the USDA-FSA pay Widtfeldt

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as though no subsidy or regulation to hinder farming, was in effect.

Once the USDA-FSA corn subsidy was approved, resulting in cheap food and cheap exports for the government, rescission of the program benefits requires the defendants herein to return appellant Widtfeldt to conditions of no USDA-FSA regulations or restrictions such as prevented tobacco farming. Additionally, the subsidy and regulations, if removed, would have allowed James Widtfeldt to

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produce far greater returns on other crops
(such as tobacco).

The value of the services performed
by Widtfeldt, and lost by entering the
USDA-FSA restrictive agreements on
farming, are illustrated by the newspaper
article, "Nicotine Buzz, US Farmers
Rediscover the Allure of Tobacco" in the
September 18, 2007 Wall Street Journal
page A1 article, researched by Lauren
Etter, hereinafter tobacco.
"Mr. Barbre's profitable tobacco

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business adds a wrinkle to the debate over the farm bill Congress is preparing to take up," at the beginning of the fifth paragraph in the article. The wrinkle is that tobacco is far more profitable without subsidies than with government regulation. Typical farmers net \$1,800 per acre rather than \$250 with corn, so that the government regulations in 2000 through 2004 prevented James Widtfeldt from reaping a 6 times greater rent, or about \$90,000 per year. The government duty to put James

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Widtfeldt in the same position he would be in without government subsidy, should offset any claim of rescission of the USDA-FSA. The relevant parts of tobacco may be found in Appendix A4.

**RENTERS BURIVAL AND OTHERS
APPEAR LIKELY TO FILE
BANKRUPTCY DUE TO HIGHER
INPUT COSTS AND LOW FARM
PRICES DUE TO WALL STREET
FINANCIAL CRISIS**

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A financial crisis rivaling the great depression of 1929 through 1940 is occurring in the US and worldwide at this time, starting with Wall Street, Banks and Insurance Companies. Gary Burival, Joyce Burival (BK 07-42271 in the Nebraska Bankruptcy Court), Richard Burival and Philip Burival (BK 07-42273 in the Nebraska bankruptcy court) filed bankruptcy, costing Widtfeldt one year's rent, which should be an offset against the farm program rescission herein.

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Each recent issue of the Wall Street Journal is headlined with government bailout of the financial system, insurance companies, and more.

The obvious parallel of the US government rescuing businesses which have been too heavily regulated and taxed for many years, applies as well to the USDA - FSA. The USDA simply cannot be allowed to unilaterally rescind government participation long after the registration period expires, without justifying

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reduction in values of real estate and

reduction in taxes or some related parallel.

USDA OPERATED PLUM ISLAND

GERM WARFARE ILLNESS SHORTENS

AND HARMS LIVES OF WIDTFELDT

AND FAMILY MEMBERS

"Lab 257 -- Caution the Disturbing

Story of the Government's Secret Germ

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Laboratory" by Michael Christopher

Carroll, ISBN - 13 978-0-06-078184-2 or

ISBN-10: 0-06-078184-x, hereinafter Lab

257, provides considerable research of the author on page 44:

The Secretary of Agriculture is authorized to establish research laboratories . . . For research and study, in the United States or elsewhere, of foot and mouth disease and other animal diseases . . . Provided that no live virus of foot and mouth disease may be introduced for any purpose into any part of the mainland of the

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United States except coastal islands separated
therefrom by waters navigable for deep water
navigation and which shall not be connected
with the mainland by any tunnel Part of
Public Law 48-496 passed in April 1948.

On page 38 of **Lab 257**, *supra*, we
find the following:

Three infectious germs, Bb (Borrelia
Burdorferi, or Lyme disease), West Nile
virus, and duck enteritis virus -- all foreign
germs --- have infiltrated the American
landscape. All three emerged from the

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same geographic locus. All three occurred
in the vicinity of a high hazard, high
containment foreign germ laboratory with
demonstrably faulty facilities and pitiable
biological safety practices -- flaws that
caused proven germ outbreaks in the past,
and infections among its employees. The
public is asked to accept that none of these
three outbreaks is connected to Plum
Island.

That's what one calls blind faith.

As you read on, consider for yourself

whether that assertion has merit.

My sister, Norma Skjold, was infected with the Plum Island version of Lyme disease (far more virulent than historically active versions of the disease), apparently while in Vermont, and became substantially incapacitated and returned to Nebraska in 1993, where her illness has continued to progress, although new treatments have alleviated and sometimes substantially eliminated panic attacks and many other symptoms.

Soon after Norma's return, probably before or in May, 2005 at the onset of a severe infection, May, my mother, Gusteva Widtfeldt, developed symptoms of Lyme disease by 1995 (painfully loud hearing and dizziness, over sensitivity to light), resulting in Gusteva's worsening and death in 2006, and my father, Albert Widtfeldt, had a series of "brain-stem strokes", the exact location that Lyme strongly affects, culminating in his death in 1996.

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The island workforce walked out and went on strike in August 2002. The following June, President George W. Bush moved the laboratory from the USDA to the new Department of Homeland Security. Page 219, Lab 257, supra.

Chapter 12, starting on page 191 of Lab 257, supra, describes Hurricane Bob hitting Lab 257 in August, 1991, with devastating consequences. Lyme, Connecticut, had experienced Lyme disease outbreaks long before 1991 (Lyme

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disease was first isolated from diseased persons in Lyme, Connecticut and named after Lyme, Connecticut.)

On page 264, third paragraph, of Lab 257, we find:

And yet, there's still an unexplained initial outbreak of Lyme disease occurring nine miles away from an exotic germ laboratory with quarter inch holes in its roof -- a lab busy breeding hundreds of thousands of ticks including a tick known to spread Lyme disease with African Swine

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fever virus cross-contaminated with who
knows what that is worthy of a real
scientific investigation.

CONCLUSION

But for the government regulation, and later disqualification of Widtfeldt to be a "producer" in 2000 through 2003, and continuing regulation of other crops such as tobacco until 2004 (paragraph 8 of the Wall Street Journal tobacco article), James Widtfeldt was prevented, and is still

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substantially prevented by government regulations through the FSA, from making 6 times the corn crop rental, that is, 6 times the approximately \$15,000 per quarter for rent on the irrigated portion of a quarter square mile, which for two quarters would be \$180,000, and for two years, \$360,000.

Widtfeldt requests this court to order defendant USDA-FSA to pay James Widtfeldt the balance of the \$180,000 in addition to the FSA payments at issue herein.

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Losses on bankrupt renters also give Widtfeldt a risk of loss in the crop, and bankruptcy losses to Widtfeldt, totaling or likely to total in excess of \$40,000 should be an offset against the rescission of payments herein (\$17,500 claim in Burival Bankruptcies likely to be changed to higher amount as Burival never signed a lease in last year of bankruptcy, another renter likely to exceed that in losses).

The defendants herein have exhibited on many cases a personal and

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governmental meanness without parallel.

Not only has the government denied

responsibility for germ warfare agents

loosed on the Widtfeldt family and many

others, but continual bullying and

harassment designed to eliminate any

peaceful possession of property has

continued unabated. The vicious nature of

the germ warfare onslaught, which was

enough to enable the previously defeated

Russian army to prevail at Stalingrad

during World War II, is employed by the

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US government and its various agents to tortiously interfere with James Widtfeldt's

life at every turn. See "Biohazard - the

Chilling True Story of the Largest Covert

Biological Weapons Program in the World

-- Told from Inside by the Man Who Ran

It", by Ken Alibek,, ISBN0-385-33496-6,

hereinafter Bio. Pages 31, 35, and the

second page of pictures between pages 82-

83 of Bio, describe how Russian germ

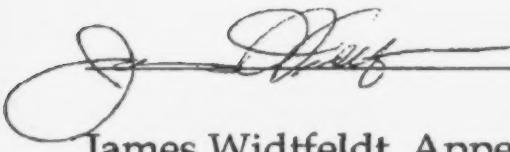
warfare changed the outcome of the Battle

of Stalingrad, and the outcome of World

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War II, leading to intense research and
competing government germ war fare
programs world wide.

Respectfully



February 5, 2009

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